

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 13 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

KAVEH BASTANI OSKOU, I

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-73068

Agency No. A78-051-493

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006**

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Kaveh Bastani Oskoui, a native and citizen of Iran, petitions for review of the decision of the Board of Immigration Appeals (“BIA”) affirming, without opinion, an immigration judge’s (“IJ”) decision denying his applications for

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review the IJ’s decision for substantial evidence. *Nahrvani v. Gonzales*, 399 F.3d 1148, 1151 (9th Cir. 2005). We grant the petition for review, and remand.

We remand to the BIA for reconsideration of the firm resettlement issue in light of this court’s decision in *Maharaj v. Gonzales*, 2006 WL 1579870 (9th Cir. June 9, 2006) (en banc).

We reject the government’s contention that Oskoui failed to exhaust his withholding and CAT claims because his brief before the BIA specifically challenged the IJ’s findings with respect to those claims. We agree with Oskoui that the IJ failed to consider the persecution Oskoui might face in Iran as a Muslim who has converted to Christianity and is therefore subject to severe punishment for apostasy. We therefore remand for further proceedings on Oskoui’s withholding and CAT claims.

PETITION FOR REVIEW GRANTED; REMANDED.